

REMARKS

The Examiner's Office Action of 05/29/2005 has been reviewed. The notice of Claim 1 being allowable is noted. Minor amendments have been made in accordance with the Examiner's suggestions. Specifically, at line 9, "clip" has been corrected to --clips--; at line 19 "primate" has been corrected to --primary--; lines 30 - 33 have been deleted to remove the battery case from the claim; and at line 35 "lase" has been corrected to --laser--.

The Examiner's acknowledgment of applicant's election with traverse of species "a", Figures 1 - 6, is noted. In response to the Examiner's finalization of the requirement for election/restriction, Claim 8 has been cancelled subject to being reintroduced in a continuing application.

The Examiner's objection to the drawings is noted. In response thereto, the battery case has been removed from Claim 1. It is deemed that this amendment to the claims overcomes the Examiner's objection to the drawings.

The Examiner has rejected Claims 2 and 9 "under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 6,059,668 (Marley, Jr., hereinafter Marley)." The Examiner has then rejected 2, 4 and 10 "under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,776,007 (Kendall et al., hereinafter Kendall)." The Examiner has rejected Claims 3 and 5-7 "under 35

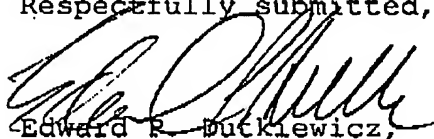
U.S.C. 103(a) as being unpatentable over Kendall as applied above." These rejections are all traversed in light of the amendments herein. Claim 2 and consequently its dependent Claims 4, 5 and 7 have been amended to now include the subject matter of Claim 6, 9 and 10. Claims 3, 6, and 9 - 10 have been cancelled. Claim 8 has been cancelled in light of the requirement for election/restriction as noted above.

More specifically, applicant's device includes a primary and secondary tube with a 90-degree elbow "in a plane on the ground during use" in combination with the one laser on the primary tube and two lasers on the secondary tube. There is nothing in the prior art to suggest this. Inasmuch as Marley has its lasers on a moveable golf club, not on the L-shaped tubes, while Kendall also discloses a single laser, but then not on the L-shaped tubes.

It would appear that the Examiner has merely gleaned miscellaneous features in the prior art and has attempted to combine them without a teaching for their combination. The only teaching is in applicant's disclosure which, by definition, is not prior art. But even if there were a teaching for the combination, the resulting structure would still fail to anticipate applicant's invention for the reasons set forth herein above.

It is deemed that the amendments herein overcome all grounds of objection and rejection. Reconsideration and a Notice of Allowance are requested.

Respectfully submitted,



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